

REMARKS/ARGUMENTS

This Amendment is submitted in response to the first Official Action of August 9, 2005. Reconsideration and allowance of claims 1-18, 21-28 and 31-33 are respectfully requested.

Independent claims 1 and 17 along with dependent claims 5, 7-8, 11-12, 15, 18-21, 17/22, 18/22 and 21/22 as well as claims 25 and 26 have been rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent 6,628,194 to Hellebust et al. (the '194 patent) in view of U.S. Patent 6,020,828 to Gotou (the '828 patent). The Office Action, however, found claim 30 to be allowable over the art of record. The limitations of claims 29 and 30 have been incorporated into claim 17 and, as such, claim 17 should now be in condition for allowance.

The limitations of claims 29 and 30 have also been incorporated into independent claim 1 and it is submitted that claim 1 should now also be found allowable for the same reason that claim 17 is now allowable. Neither the '194 patent nor the '828 patent either singly or in combination teach an electronic messaging system having a plurality of physical units in communication with a paging terminal where the physical units have a plurality of light sources controlled by a microprocessor in the physical unit that selectively illuminates one or more icons that are individually associated with each of the plurality of light sources to thereby provide notification of a predetermined event or alert. In the Gotou '828 arrangement, icons are stored in a memory for display at a predetermined location on a screen. In applicants' invention as defined by claims 1 and 17, icons are individually associated with light sources on the face of the physical unit and arranged such that messages from the paging terminal determines which light source and directly associated icons are illuminated.

The Hellebust et al. '194 patent fails to teach or suggest the aspect of applicants' system involving the selective illumination of fixed icons that is absent from the Gotou '828 patent. Moreover, claim 1 has been amended to recite that the paging receiver is adapted to receive encoded messages in accordance with a predetermined protocol from a paging terminal on a non-prioritized basis. The system described in the Hellebust et al.

'194 patent is especially designed to prioritize and display incoming message information on a wireless device. While applicants' device treats all incoming messages with the same priority, the Hellebust et al. system does not. For reasons given, then, it is believed that claim 1, as now amended, should be allowed. With the allowance of claim 1, dependent claims 2-16 should also be allowed.

As regards claim 5, it is patentable in its own right. The icons described in the Gotou '828 patent are abstract geometric shapes that add meaning to another message (i.e., the number displayed is from the office or from home). While it is possible for the icon to be displayed by itself, it is still defined as an abstract geometric shape. The icon is chosen through the use of a single digit, resulting in a maximum of 10 icons. In applicant's system, the icon is the main message, with the possible addition of an alpha/numeric message, and attention is called to it via the attention-getting bar. More importantly, applicants' device allows multiple icons to be activated by a single message from the paging terminal.

As regards claims 15 and 25, it is asserted that the Hellebust et al. and Gotou together disclose an electronic messaging system wherein selected ones of a plurality of visual signaling devices provide operational status of the electronic messaging system to a person observing a physical unit. The Office Action refers to column 2, lines 36-48 and to column 3, lines 46-64 of the Gotou reference. Applicants' attorney has carefully reviewed those portions of the Gotou reference and fail to see how they relate to operational status called for by claim 15. The sections of the Gotou patent cited in the Office Action describe how his icons are stored and activated, and what type of message augmentation they might provide. The operational status lights or icons in applicants' device indicate to the end-user whether the device is operational, whether it is operating on commercial AC power or back-up battery power, and the status of the back-up battery power. Not only is claim 15 allowable because it now depends indirectly from claim 1, which has been shown to be allowable, for the reasons advanced, claim 15 is believed to patentable over the prior art based on its own recitation of structure not disclosed in the cited art.

In addressing claims 9-10 and 33, the Office Action combines the Okayama et al. U.S. Patent 6,157,316 (the '316 patent) with the Hellebust et al. and Gotou references.

Okayama et al. '316 describes a method for using a portable device, such as a laptop PC, to power a wireless device (pager). The Okayama et al. device operates on a rechargeable battery, with commercial AC used to recharge the internal battery as required. As is described in applicants' specification, their device operates on a commercial AC as the norm. The 9 volt battery is only used when commercial AC power is unavailable. Instead of the typical "connector harness" or "9 volt battery cap connector" used in many applications today, applicants' device requires no terminal matching. Applicants' messaging system also has designed the battery back-up to be polarity insensitive, making it impossible for a user to incorrectly insert a replacement battery when the need arises.

Concerning the rejection of claim 27, the Office Action agrees that neither Hellebust et al. nor Gotou teach inclusion of a test code feature for causing one of a plurality of light sources on the physical unit to be activated when the paging terminal and the receiver, the microprocessor and the light sources are all operational. It is asserted, however, that U.S. Patent 5,369,399 to Tribbey et al. teaches such a function and that it would be obvious to add that feature to the combination of Hellebust in view of Gotou as applied to claim 17. It is respectfully pointed out, however, that the Tribbey et al. '399 patent is concerned with a method of building cases for paging devices to improve their capability of withstanding external shock without damage to internal circuitry. The test code of the Tribbey et al. reference is designed to be used one-time in the factory for quality control purposes before the unit is shipped to the end-user. In applicants' device, the test code is to be used by the end-user on a regular basis, i.e., daily, weekly, monthly, etc., to verify proper functioning of the messaging system. In applicants' claimed system, a test can be made of the operational status of an individual physical unit, a specific group or groups of such units or all units simultaneously if desired. Thus, it is submitted that claim 27 is also patentable in its own right.

CONCLUSION

By way of summary, then, independent claim 17 has been amended to incorporate the limitations of claims 29 and 30 that the examiner has conceded renders claim 17 allowable. Because the same limitations of claims 29 and 30 have also been incorporated into independent claim 1, claim 1 is also deemed to be in condition for allowance. Thus,

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a Notice of Allowance of independent claims 1 and 17 as well as dependent claims 2-16, 18 and 21-28 and 31-33 are respectfully requested.



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CERTIFICATE OF MAILING

I hereby certify that the foregoing Amendment filed in response to the Official Action of August 9, 2005, in application Serial No. 10/084,011, filed on February 25, 2002, of Todd N. Kacalek, et al. entitled "Wireless Community Alerting System" is being deposited with the U.S. Postal Service as First Class mail in an envelope addressed to: Mail Stop Non-Fee Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, postage prepaid, on November 7, 2005.

Date of Signature: November 7, 2005.

A handwritten signature in black ink, appearing to read "Linda J. Rice".

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On Behalf of Thomas J. Nikolai
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